

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE
in its capacity as elected Office

Date of mailing (day/month/year) 02 November 2000 (02.11.00)	
International application No. PCT/US00/02619	Applicant's or agent's file reference 197688
International filing date (day/month/year) 02 February 2000 (02.02.00)	Priority date (day/month/year) 26 February 1999 (26.02.99)
Applicant ADAMCZYK, Maria et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
19 September 2000 (19.09.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Manu Berrod Telephone No.: (41-22) 338.83.38
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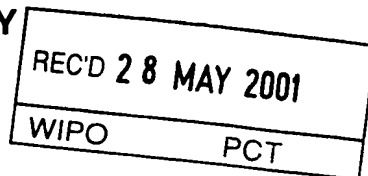
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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 36968/197688	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/02619	International filing date (day/month/year) 02/02/2000	Priority date (day/month/year) 26/02/1999
International Patent Classification (IPC) or national classification and IPC H04M3/533		
Applicant BELLSOUTH INTELLECTUAL PROPERTY CORPORATION et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 19/09/2000	Date of completion of this report 23.05.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Moser, J Telephone No. +49 89 2399 7528 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/02619

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-24 as originally filed

Claims, No.:

1-28 as originally filed

Drawings, sheets:

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US00/02619

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-18, 20-28
	No:	Claims	19
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-28
Industrial applicability (IA)	Yes:	Claims	1-28
	No:	Claims	

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US00/02619

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: US-A-5 838 768 (SCHMERSEL ROBERT JOHANNES BERN ET AL) 17
November 1998 (1998-11-17)

The present application contains four independent method claims having overlapping scope (see section VIII). Independent claim 19 appears to be the most general of those claims.

The solution proposed in claim 19 of the present application cannot be considered as novel (Article 33(2) PCT) for the following reasons.

Messaging systems wherein a subscriber is connected automatically to a messaging platform are well known in the field of telecommunications: For example, the internet platform "Yahoo" offers an electronic mail system wherein the subscriber can configure his personal computer in order to be connected directly to his mailbox. When the subscriber is asked for his personal identification number, a wrong number (corresponding to the backout signal of claim 19) results in the subscriber to be prompted for a user name and the corresponding personal identification. Thus, any mailbox in the system can be selected by the subscriber.

Therefore, all essential features of claim 19 are known from this system.

Even if claim 19 would be restricted to telephone messaging systems only, claim 19 does not seem to contain an inventive step over document D1. This document discloses a voice messaging system which might be accessed by a pilot number (see column 22, lines 41 and 42). The subscriber is then connected to a mailbox which is not necessarily the one he wants to access (see column 17, lines 38 to 43). Upon indicating his identity to the system he has access to the messages stored for him in the messaging system (see column 17, lines 43 to 53).

Independent claim 14 contains all features of claim 19. In addition, it specifies an intelligent network element involved in obtaining the selected number from the subscriber and generating the corresponding addresses. Intelligent networks are well

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US00/02619

known in the field of telecommunications. For example, document D1 which is regarded as the closest prior art to the subject-matter of claim 14 discloses such a system combined with a telephone network (see figure 4).

As a result, claim 14 cannot be regarded as involving an inventive step according to Article 33(3) PCT.

Independent claim 8 contains all features of claim 14 and further defines a service switching point (SSP) as one element of the intelligent network. Routing calls and receiving further instructions from other nodes of the intelligent network as described in claim 8 is generally known for SSPs in intelligent networks (see document D1, column 6, lines 42 to 66). Claim 8 does therefore not involve an inventive activity.

Claim 1 does not contain any additional technical features compared to claim 8. It merely further details the method of claim 8 in a way obvious to the skilled person. Therefore, an inventive step cannot be recognised.

Claim 22 corresponds to claim 1 in terms of system features and is therefore not considered to involve an inventive step for the same reasons given for claim 1.

Furthermore, dependent claims 2 to 7, 9 to 13, 15 to 18, 20, 21 and 23 to 28 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step for the reason that the subject-matter of these claims is either directly derivable from the disclosure of document D1 (for claim 5 see column 6, lines 60 to 63, for claim 6 see column 6, lines 63 to 66) or represent simple design details which are generally known to the person skilled in the field of messaging systems.

Re Item VII

Certain defects in the international application

The clauses relating to "incorporation by reference" (pages 1, 12 and 14) may be objected to by the relevant bodies responsible for the national/regional phase on the basis of their particular requirements (as it would be the case e.g. of the EPO applying the principles of the EPC); it was hence recommended to delete these clauses.

**INTERNATIONAL PRELIMINARY
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International application No. PCT/US00/02619

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in document D1 is not mentioned in the description, nor is this document identified therein.

Re Item VIII

Certain observations on the international application

Although claims 1, 8, 14 and 19 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Hence, claims 1, 8, 14 and 19 do not meet the requirements of Article 6 PCT.

Furthermore, the application does not meet the requirements of Article 6 PCT for the following reasons:

In order to clearly define the scope for which protection is sought the formulation used in claim 1 "In a messaging system (...) a method (...)" should have been changed into a more proper form e.g. "A method for use in a messaging system (...)".

In claim 5, "SMP" is undefined (it is not defined in the claims claim 5 depends on either) and should have been replaced by "selected messaging platform".

In claim 8, "SSP" is undefined and should have been replaced by "service switching point".

It is not clear which document is referred to on page 14, line 1, because the document number has been omitted.

The elements of the tables on pages 14 and 15 should have been explained because their meaning is not self-evident.

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 197688	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 00/ 02619	International filing date (day/month/year) 02/02/2000	(Earliest) Priority Date (day/month/year) 26/02/1999
Applicant BELLSOUTH INTELLECTUAL PROPERTY CORPORATION et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 2 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☒ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1
☐ None of the figures.

INTERNATIONAL SEARCH REPORT

national Application No

PCT/US 00/02619

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 H04M3/533 H04M3/42

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 H04M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, INSPEC, IBM-TDB, COMPENDEX

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	EP 0 624 967 A (ROLM CO) 17 November 1994 (1994-11-17) abstract page 3, line 30 -page 9, line 53 -----	19-21 1, 8, 14, 22
A	US 5 680 442 A (FARRIS ROBERT D ET AL) 21 October 1997 (1997-10-21) abstract; figure 4 column 6, line 39 -column 8, line 59 -----	1-28
A	US 5 838 768 A (SCHMERSEL ROBERT JOHANNES BERN ET AL) 17 November 1998 (1998-11-17) abstract column 5, line 45 - line 63 -----	1, 8, 14, 19, 22

☐ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

12 July 2000

Date of mailing of the international search report

20/07/2000

Name and mailing address of the ISA

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Authorized officer

Willem, B

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/02619

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0624967	A	17-11-1994	US 5675631 A	07-10-1997
			US 5764733 A	09-06-1998
US 5680442	A	21-10-1997	US 5631948 A	20-05-1997
			US 5661782 A	26-08-1997
			US 5812639 A	22-09-1998
US 5838768	A	17-11-1998	AU 718548 B	13-04-2000
			AU 3874397 A	19-03-1998
			CN 1235735 A	17-11-1999
			EP 0922364 A	16-06-1999
			WO 9809422 A	05-03-1998